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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 14 March 2000 from the Permanent Observer of Palestine to the United Nations Office at Geneva* addressed to the United Nations High Commissioner for Human Rights

I would be grateful to you if you could have the attached text* distributed to the distinguished members of the fifty-sixth session of the Commission on Human Rights, as an official document under agenda item 8.

(Signed) Nabil RAMLAWI
Ambassador
Permanent Observer of Palestine

* Reproduced as received, in Arabic and English only.

the Continued Deterioration of the Situation of Human Rights in the occupied Palestinian Territory

During the period of last year, the situation of human rights in the Palestinian territory still occupied by Israel since the war of 1967, including East Jerusalem, has undergone no improvement. Contrary to the change expected by many in this field, mainly after Ehud Barak came to power in Israel, who astonished the world by being seemingly like Rabin, while in fact he is exactly like his predecessor Netanyahu, behaving in a delusive manner no longer hidden from anybody, a behavior which is dangerous and destructive to the peace process.

All fields of human rights violations in the occupied Palestinian territory, that the Commission on Human Rights has started examining more than thirty years ago, are still the same, and have witnessed no improvement, on the contrary, they are getting worst.

TORTURE

As a crime to which no statutory limitation shall apply to, irrespective of the date of its commission, and in total violation of the provisions of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a report of Israel Watch dated 9-2-2000, revealed that each year 1000 Palestinian prisoners were subjected to torture, 20 of which were killed during

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interrogation. This fact has also been disclosed by the Israeli Committee against torture. In spite of the 6 September 1999 decision by the Israeli High Court of Justice banning torture and considering the torture methods used against Palestinian detainees illegal, the information received by the Palestinian Association for the Protection of Human Rights and Environment (LAW) still reveal complaints regarding the exposure of the detainee Ra'ed Ahmed Salim al-Hummari to torture in the al-Maskoubeyeh detention center. Other detainees also exposed to torture were Mohammed Ali Hamid Souman 17 years old from Taamreh/Bethlehem and Ali Issa al-Wahch, 20 years old, who was exposed to torture and beating for 70 days. The complaints received by this same Organization also unveiled use of torture against Palestinians in the prisons of Nafhah, Beer al-Sabaa and Askallan.

COLLECTIVE PUNISHEMENTS AND ETHNIC CLEANSING

As a war crime, and in violation of the principles of international law and international humanitarian law, the Israeli occupation authorities persist on their policy of ethnic cleansing and collective punishments against Palestinians in the occupied Palestinian territory, with the aim of evacuating the land from its indigenous Palestinian population.

Concerning the policy of house demolition, after the Israeli occupation forces have demolished 2236 Palestinian homes during the last ten years, they have also demolished 57 homes during the year 1999 in Ramallah, Hebron, Nablus, Bethlehem, Jerusalem, Gaza strip, Jenin and Qalqilyah. They have also issued 81 decision of house demolition. 70 of these decisions are to be implemented in the Mawassi region of Khan-Younes in Gaza Strip.

The Israeli occupation authorities also continue their policy of collective punishments against Palestinians, through the partial or complete closures they impose on Jerusalem preventing the Palestinians from the West Bank and Gaza Strip from entering the city.

These Israeli practices form a blatant violation of the provisions of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, and the Hague Convention of 1907, they also violate the agreements signed between the Palestine Liberation Organization and the Government of Israel.

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The total days of closures imposed on occupied Palestinian lands, including those under the Palestinian National Authority, reached last year 11 days.

OCCUPIED JERUSALEM

Amid the continued attempts and measures taken by the Israeli occupation authorities aimed at Judaizing occupied Jerusalem, and in violation of the provisions of the Fourth Geneva Convention of 1949 and the principles of international law, with the aim of emptying the city from its indigenous Palestinian population, is their persisting on the revocation of identity cards of Palestinian citizens of Jerusalem. In that respect, only during the period since the signing of the Wye River agreement, the occupation authorities have revoked 265 identity cards from the population of Jerusalem. These same authorities had already revoked during the years 1996, 1997, and 1998, 1003 Palestinian identity cards from the citizens of the occupied holy city; thus, and through such racist and ethnic measures, the Palestinian citizens and the population of the occupied city of Jerusalem are deprived from their properties and forced out of their city.

CRIME OF GENOCIDE

As a crime of genocide, to which no statutory limitation shall apply to, irrespective of the date of its commission, according to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, of 26 November 1968, the Israeli academic Teddy Katz revealed on 19 January 2000, by presenting credible evidence, a massacre in which the Israeli Army slaughtered as many as 200 Palestinians in a small village near Haifa on the very day the Jewish State came to existence in 1948.

The academic, Teddy Katz, reportedly obtained extensive testimonies form eyewitnesses, survivors and soldiers who actually took part in the carnage, and concluded that the massacre of Tantura was larger than notorious Deir Yassin massacre which took place few months before Tantura massacre at the hands of Israeli gangs there.

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DELIBERATE KILLING

In flagrant violation of the principles of human rights provided for in the Universal Declaration of Human Rights, the two International Covenants relative to human rights, and in a flagrant violation particularly of the right to life, the forces of the Israeli army of occupation and sometimes the Israeli settlers themselves in the Palestinian territory, killed 21 Palestinians during the period starting from last year until February 2000, hereunder is a list with the names of these martyrs:

1. Badr Mohamed al-Kawassmi, 25 years old, from Hebron, 6/1/1999,
2. Faiz Zitaoui, 57 years old, from Jerusalem on 12/1/1999,
3. Zaki Oubeid, 24 years old, from the Aissaouia village of Jerusalem on 26/1/1999,
4. Amin Hssein, 37, Al-Ram village, 14/3/1999,
5. Mahmoud Hassan Abu Hajar, 17 years old, Gaza, 28/4/1999,
6. Hammadi Khalifeh Radouan, 72, Qalqiliyeh, 1/5/1999,
7. Shadi Abu Dahrouj, 21 years olf, Gaza,
8. Nashat Salih Sharim, 25/5/1999,
9. Alaa Youssef Abu Sharakh, 23 years old, Hebron, 4/6/1999,
10. Adam Hassan al-Helis, 23 years old, Nablus, 23/6/1999,
11. Akram Alkam, 22 years old, Bethlehem, 10/8/1999,
12. Mahmoud Hashim al/Khatib, 29 years old, Nablus, 11/8/1999,
13. Khoder Badran, Jerusalem, 2/10/1999,
14. Moussa Fayez Abu Hlail, 30 years old, Bethlehem, 26/10/1999,
15. Iyyad al-Battat, 30 years old, Hebron, 13/12/1999,
16. Nemr Awad al-Massalmeh, 32 years old, Beit Oua village of Hebron, 14/12/1999,
17. Ibrahim Abu Merseh, a child of 11 years old, 14/1/2000,
18. Hssein Ghassan abd-el-Hadi, 25 years old, Nablus, 16/1/2000,
19. Loutfi al-Rajabi, 20 years old, Salvit, 20/1/2000,
20. Mrs. Fatima Abu Rmileh, 62, Hebron, 9/2/2000,

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21. Khaled Awad Rashid, 22 years old, Jerusalem, 12/2/2000.

To these victims, are to be added 250 wounded, who have been arbitrarily shot in different parts of the occupied Palestinian Territory.

ARBITRARY DETENTION AND DETENTION WITHOUT TRIAL

2199 Palestinian prisoners are still detained by the Israeli occupation authorities, most of them are detained without trial, 100 of these prisoners are youths under the age of 12. The Israeli occupation authorities are still delaying the release of these prisoners despite the reached agreements on their release.

ISRAELI SETTLEMENTS AND LANDS CONFISCATION

In a flagrant violation of the provisions of the Fourth Geneva Convention, mainly its Article 49, the international reports, namely the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, Document No. (A/54/73), of 13 April 1999, (A/54/73/Add.1) of 7 September 1999 and (A/54/325) of 8 September 1999, the report of Special Rapporteur Mr. Giorgio Jaicomelli issued in document (E/CN.4/2000/25), and reports of other human rights organizations, all these reports affirm that during last year, the Israeli occupation authorities have confiscated 40.178 dunums of Palestinian land, of which 19.691 dunums were used for settlement expansion and the establishment of new settlements. 3,830 dunums were declared to be confiscated by the "Israeli Civil Administration". 16, 657 dunums were confiscated to build new bypass roads.

The persistence of the Israeli occupation authorities on their policy of settlements in the Palestinian territory will no doubt destroy the peace process, since settlement is the consecration of occupation, and peace can not be consistent with foreign occupation.

During this same period, the occupation authorities have uprooted 15,180 trees belonging to Palestinians, most of them were olive, almond and fig trees.

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RACIAL ISOLATION - NEW APARTHEID

All during the years of occupation, the Israeli authorities are practicing a policy of geographical dismemberment of Palestinian towns and villages, isolating these localities from each other, either through bypass roads that are constructed on Palestinian lands, or through reinforcing the Israeli military presence between cities, between villages and between cities and villages, thus isolating Palestinians from each other, such as was the case of racial segregation during the Apartheid regime in South Africa. In that respect, Mr. Amada Dianj, Secretary General of the International Commission of Jurists said, during his visit to the region on 3 February 2000: "the circumstances under which Palestinians live in the Occupied Palestinian Territories is very similar to that of black South Africans under the regime of Apartheid". He noted "There are serious violations of Palestinian human rights which the international community must not overlook".

I would be grateful to you if you could have the text of this letter distributed to the distinguished members of the 56th session of the Commission on Human Rights, as an official document under agenda item 8.

Please accept, Excellency, the assurances of my highest consideration.

Permanent Observer Mission of PALESTINE to the United Nations Geneva

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